

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

In re:

USA GYMNASTICS,¹

Debtor.

Chapter 11

Case No. 18-09108-RLM-11

**JOINT STIPULATION AND AGREED ORDER DEEMING SEXUAL ABUSE CLAIM
546 TO BE TIMELY FILED AND WITHDRAWING LATE CLAIMS MOTION**

USA Gymnastics, as debtor and debtor in possession in the above-captioned chapter 11 case (the “**Debtor**”) and Erin Kaufman (“**Kaufman**”, and collectively with the Debtor, the “**Parties**”), hereby submit this joint stipulation and agreed order (this “**Joint Stipulation**”), pursuant to Rule 3003 of the Federal Rules of Bankruptcy Procedure, deeming Kaufman’s late claim to be timely filed and withdrawing, with prejudice, Kaufman’s request to extend the bar date for a class of similarly situated sexual abuse claimants. The Parties respectfully state as follows:

RECITALS

A. On December 5, 2018, the Debtor filed a voluntary petition for relief under chapter 11 of title 11 of the U.S. Code, 11 U.S.C. §§ 101-1532, *et seq.*, in the United States Bankruptcy Court for the Southern District of Indiana.

B. Under the *Order Approving Debtor’s Motion For Order Establishing Deadlines For Filing Proofs Of Claim And Approving Form And Manner Of Notice Thereof* [Dkt. 301], the Court fixed April 29, 2019 as the deadline to file claims against the Debtor, including claims arising from sexual abuse (the “**Bar Date**”).

¹ The last four digits of the Debtor’s federal tax identification number are 7871. The location of the Debtor’s principal office is 130 E. Washington Street, Suite 700, Indianapolis, Indiana 46204.

C. On June 21, 2019, Kaufman filed sexual abuse claim 546 (“**Sexual Abuse Claim 546**”), which asserts a claim based upon sexual abuse.

D. On July 15, 2019, Kaufman filed her *Motion to File Claim After Bar Date* [Dkt. 657] (“the **Motion**”). The Motion requests that the Court deem Sexual Abuse Claim 546 to be timely filed, as well as extend the Bar Date for all “other creditors similarly” situated to Kaufman who allegedly lacked sufficient notice of the Bar Date. (Motion at 1.)

E. Although the Debtor disputes the allegations of the Motion, it has agreed to treat Kaufman’s claim as timely filed in exchange for Kaufman’s agreement that the balance of the relief she requests be denied with prejudice.

NOW, THEREFORE, the Parties agree as follows:

1. Sexual Abuse Claim 546 is hereby deemed timely filed. All parties in interest, including the Debtor and the Committee of Sexual Abuse Survivors, retain their rights to object to Sexual Abuse Claim 546 on any basis other than timeliness.

2. Kaufman agrees the balance of the relief she requests should be denied with prejudice.

3. This Joint Stipulation shall not be construed as a modification of the Bar Date, which remains unchanged and is not extended for any claimant. Further, the entry of this Joint Stipulation shall not have any effect on any claim other than Sexual Abuse Claim 546, and shall not deem any claim other than Sexual Abuse Claim 546 to be timely filed.

4. The Debtor’s agreement to this Joint Stipulation does not constitute an admission that any untimely claim was filed late because of a claimant’s excusable neglect. The Debtor retains its right to object to all other untimely claims on any ground, including that they were filed late without excusable neglect.

WHEREFORE, the Parties respectfully request that the Court enter the joint stipulation and agreed order substantially in the form attached hereto as Exhibit A. Notice of this Joint Stipulation will be provided in accordance with *Order Granting Debtor's Motion For Order Establishing Certain Notice, Case Management, And Administrative Procedures* [Dkt. 213].

Dated: September 10, 2019

Respectfully submitted,

JENNER & BLOCK LLP

By: Catherine Steege

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